

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 6:17CR40-01
	§	JUDGE CLARK
THEODORE ROBERT WRIGHT III (01)	§	

**ELEMENTS OF THE OFFENSE**

COMES NOW, the United States of America, by and through the United States Attorney for the Eastern District of Texas, and files this pleading summarizing the elements of the offense to which the defendant intends to enter pleas of guilty to Counts One and Five of the Indictment.

**Count One**

Title 18, United States Code, Section 1349, makes it a crime for anyone to conspire to commit an offense under Chapter 63 of Title 18.

The defendant is charged with conspiring to commit wire fraud, a violation of 18 U.S.C. § 1343. Title 18, United States Code, Section 1343 makes it a crime for anyone to use interstate or foreign wire communications in carrying out a scheme to defraud.

To establish that the defendant is guilty of conspiracy to commit wire fraud, the government must prove the following beyond a reasonable doubt:

*First:* That two or more persons, directly or indirectly, reached an agreement to transmit or cause to be transmitted by means of wire communication in interstate or foreign commerce any writings, signs, signals, pictures, or sounds for the

purpose of executing a scheme or artifice to defraud or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises;

*Second:* That the defendant knew of the unlawful purpose of the agreement;  
and

*Third:* That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose.

Count Five

Title 18, United States Code, Section 844(n), makes it a crime for anyone to conspire to commit an offense under Chapter 40 of Title 18.

The defendant is charged with conspiring to violate 18 U.S.C. § 844(i). Title 18, United States Code, Section 844(i) makes it a crime for anyone maliciously to damage or destroy by means of fire any building, vehicle, or real or personal property used in interstate or foreign commerce or used in any activity affecting interstate or foreign commerce.

To establish that the defendant is guilty of conspiracy to violate 18 U.S.C. § 844(i), the government must prove the following beyond a reasonable doubt:

*First:* That two or more persons, directly or indirectly, reached an agreement to maliciously damage or destroy by means of fire a vehicle used in interstate or foreign commerce or in an activity affecting interstate or foreign commerce;

*Second:* That the defendant knew of the unlawful purpose of the agreement;  
and

*Third:* That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose.

Respectfully submitted,

BRIT FEATHERSTON  
ACTING UNITED STATES ATTORNEY

/s/ Nathaniel C. Kummerfeld  
NATHANIEL C. KUMMERFELD  
Assistant United States Attorney  
Texas Bar No. 24060122  
110 N. College, Ste. 700  
Tyler, TX 75702  
(903) 590-1400  
(903) 590-1439 (fax)  
Nathaniel.Kummerfeld@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Elements of the Offense was served on counsel of record for defendant via the court's CM/ECF on this the 27th day of October, 2017.

/s/ Nathaniel C. Kummerfeld  
Nathaniel C. Kummerfeld